1		HONORABLE RICHARD A. JONES
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8	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE	
9	AT SE	ATTLE
10	HOWARD BERRY and DAVID BERRY, individually and on behalf of all others	No. 2:15-cv-01299-RAJ
11	similarly situated,	DECLARATION OF LEHTE LEMALU
12	Plaintiffs,	
13	v.	
14	TRANSDEV SERVICES, INC., f/k/a	
15	VEOLIA TRANSPORTATION SERVICES INC., and TRANSDEV NORTH AMERICA,	
16	INC., f/k/a VEOLIA SERVICES, INC.,	
17	Defendants.	
18	I, Leiite Lemalu, declare as follows:	
19	1. I am an Operations Manager for Transdev Services, Inc. in Seattle, Washington.	
20	I have personal knowledge of the facts stated below and am competent to testify thereto.	
21	2. I am one of the primary points of contact at Transdev with First Transit's	
22	dispatchers and First Transit's operations manager, Donna Sansoterra. I oversee Transdev's	
23	window dispatchers, who are responsible for communicating with Transdev drivers and First	
24	Transit's dispatchers in connection with service issues that arise throughout the work day,	
25	including issues related to rest breaks.	
26		
	DECLARATION OF LEIITE LEMALU - 1 NO. 2:15-cv-01299-RAJ	DLA Piper LLP (US) 701 Fifth Avenue, Suite 7000 Seattle, WA 98104-7044   Tel: 206.839.4800

- 3. Transdev instructs and trains its drivers that, in the event no break is scheduled or reasonably available during their daily downtime, then they should *first* request a rest break from First Transit's dispatchers through their vehicle MDC (or Mobile Data Computer). The MDC allows drivers to send messages to First Transit's dispatchers, including a preprogrammed message requesting a rest break. *Second*, if First Transit's dispatch fails to provide the driver with a break after one is requested, the driver should call a Transdev window dispatcher, who will then call First Transit and verbally demand a break.
- 4. Because Transdev does not have authority to make dispatching or scheduling changes, Transdev must rely on First Transit to ensure driver rest breaks. As a result, when First Transit fails to properly schedule one or more rest breaks for a driver, Transdev has no means to ensure that the driver receives his or her rest breaks other than to demand that First Transit's dispatchers adjust the driver's route to provide such breaks.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed at Kent, Washington this 14th day of November, 2016.

Leiite Lemalu (

## **CERTIFICATE OF SERVICE** I hereby certify that on November 14, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record: Dated this 14th day of November, 2016. s/Anthony Todaro Anthony Todaro EAST\136960141.1 DECLARATION OF LEIITE LEMALU - 3 DLA Piper LLP (US) NO. 2:15-cv-01299-RAJ

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